

**ORDER:**  
Motion granted - without  
opposition.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**



U.S. Magistrate Judge

**WENDY’S OF BOWLING GREEN, INC.** )  
)  
**Plaintiff,** )  
)  
**vs.** )  
)  
**MARSH USA, INC.** )  
)  
**Defendant.** )

**Civil Action No.:**  
**3:10-CV-01043**

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**MOTION FOR LEAVE TO FILE INTERVENING COMPLAINT**

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Comes Shirley Malchow, by counsel, and moves the Court pursuant to Rule 24(b) of the Federal Rules of Civil Procedure to file the intervening complaint tendered herewith on her behalf and to allow her to assert claims against the Defendant, Marsh USA, Inc. In support of this motion, the intervening plaintiff states that at all times referred to in the complaint of the Plaintiff Wendy’s of Bowling Green, Inc. (“WBG”), the intervening plaintiff Shirley Malchow was the owner of the Wendy’s Store #201 located in Clarksville, Tennessee, at 662 Riverside Drive, which property and the insurance thereon is the subject matter of the complaint by Plaintiff WBG against Defendant Marsh. At all times pertinent hereto, Plaintiff Malchow was the landlord of Plaintiff WBG with respect to property located at 662 Riverside Drive, Clarksville, Tennessee.

Under Rule 24(b)(1)(B) of the Federal Rules of Civil Procedure, this Court may permit anyone to intervene who has a claim that shares with the main action a common question of law or fact. The intervening Plaintiff Malchow states that the claims asserted in the Intervening Complaint